

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES WILLIS WALTEBURG,

Petitioner,

v.

DOUG WADDINGTON,

Respondent..

Case No. C05-5767RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Petitioner's Notice of Appeal [Dkt. #20].

Having considered the entirety of the records and file herein, the Court rules as follows:

For the reasons stated in the Magistrate Judge's Report and Recommendation [Dkt. #16], this Court declines to issue a Certificate of Appealability because petitioner has failed to make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing pro se.

Dated this 30th day of November, 2006.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE